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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/811,076	03/16/2001	Thomas D. Petite	81607-1140	6296

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Daniel R. McClure
THOMAS, KAYDEN, HORSTEMEYER & RISLEY, L.L.P.
100 Galleria Parkway, N.W., Suite 1750
Atlanta, GA 30339-5948

EXAMINER

LA, ANH V

ART UNIT PAPER NUMBER

2636

DATE MAILED: 03/18/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/811,076

Applicant(s)

PETITE, THOMAS D.

Examiner

Anh V La

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-65 is/are pending in the application.
- 4a) Of the above claim(s) 10-65 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☒ Claim(s) 5-9 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-9, drawn to a smoke alarm system, classified in class 340, subclass 628.
 - II. Claims 10-30, 40-51, and 57-65, drawn to a system for generating and transmitting smoke information through a wireless communication network, classified in class 709, subclass 207. Please note that if applicant elects this invention, he may be subjected to another restriction requirement from the Examiner of that art.
 - III. Claims 31-39 and 52-56, drawn to a communication system over free space, classified in class 370, subclass 310. Please note that if applicant elects this invention, he may be subjected to another restriction requirement from the Examiner of that art.
2. The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the

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particulars of the subcombination as claimed because the system for generating and transmitting smoke information through a wireless communication network is directed to an operating management system for controlling a plurality of subsystems. The subcombination has separate utility such as the smoke alarm system being directed to the operation of a single smoke alarm detector.

Inventions I and III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions I and III are clearly unrelated as set forth above because the smoke alarm system has different modes of operation, different functions, and different effects for the system of group III. To be more specific, group I is directed to details of a smoke detector while group III is directed to communicating signals over free space.

Inventions II and III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions II and III are clearly unrelated as set forth above because the system for generating and transmitting smoke information has different modes of operation, different functions, and different effects for the system of group III. To be more specific, group II is directed to transmission of smoke information while group III is directed to communicating signals over free space.

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3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

4. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II or III, restriction for examination purposes as indicated is proper.

5. During a telephone conversation with Mr. Daniel R. McClure on March 11, 2004 a provisional election was made with traverse to prosecute the invention of group I, claims 1-9. Affirmation of this election must be made by applicant in replying to this Office action. Claims 10-65 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

6. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Morris (US 5,587,705).

Regarding claim 1, Morris discloses a smoke detector comprising a smoke sensor 2 for sensing a smoke condition and outputting an alarm signal 6 upon detecting a smoke condition, an alarm 6, connected to the smoke sensor, for indicating a smoke condition upon detection of the alarm signal, and a communication device 3, 4, 10, 11, connected to the smoke sensor, receiving the alarm signal and wirelessly transmitting an indicator of the smoke condition in a predetermined message format to a remote monitoring device upon detection of the alarm signal, each communication device having an unique address (column 2, lines 40-67).

Regarding claim 2, Morris discloses a photodetection smoke sensor (column 2, lines 40-45).

Regarding claim 3, Morris discloses an audible alarm 6.

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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10. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morris in view of Roderique.

Regarding claim 4, Morris discloses all the claimed subject matter as set forth above in the rejection of claim 3, but does not disclose the predetermined message format comprising at least one packet, wherein the packet comprises a receiver address comprising a scalable address of the at least one of the intended receiving communication device, a sender address, a command indicator, at least one data value comprising a scalable message, and an error detector that is a redundancy check error detector. Roderique teaches the use of a predetermined message format comprising at least one packet, wherein the packet comprises a receiver address comprising a scalable address of the at least one of the intended receiving communication device, a sender address, a command indicator, at least one data value comprising a scalable message, and an error detector that is a redundancy check error detector (see figures 9-10, column 2, line 56-col. 3, line 5, col. 11, lines 5-50). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include the predetermined message format comprising at least one packet, wherein the packet comprises a receiver address comprising a scalable address of the at least one of the intended receiving communication device, a sender address, a command indicator, at least one data value comprising a scalable message, and an error detector that is a redundancy check error detector to the detector of Morris as taught by Roderique for the purpose of effectively transmitting and receiving an indicator of the smoke condition.

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11. Claims 5-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Godwin discloses a smoke detection system.

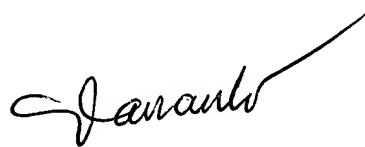
Thomas discloses a wireless local network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh V La whose telephone number is (703) 305-3967. The examiner can normally be reached on Mon-Fri from 9:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery Hofsass can be reached on (703) 305-4717. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ANH V. LA
PRIMARY EXAMINER

Anh V La
Primary Examiner
Art Unit 2636

AI
March 17, 2004